

Fresno, California

December 12, 2006

The City Council met in regular session at the hour of 8:38 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Larry Westerlund	Councilmember
	Jerry Duncan	Council President
Absent:	Henry Perea	Acting Council President (absent AM/present for the afternoon session)
	Cynthia Sterling	Councilmember (absent AM/present for the afternoon session)

Andy Souza, City Manager  
Jon Ruiz, Assistant City Manager  
James Sanchez, City Attorney  
Becky Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Pastor Ara Geukguezian of the Pilgrim Armenian Church gave the invocation, and Councilmember Westerlund led the Pledge of Allegiance.

**PROCLAMATION OF "RICHARD GLEASON DAY" - COUNCILMEMBER BOYAJIAN**

Read and presented.

***SURPRISE ADD-ON: PRESENTATION OF PLAQUE TO OUTGOING COUNCILMEMBER BOYAJIAN***

Presented by President Duncan with President Duncan and Council members commending Councilmember Boyajian for his service, assistance, and dedication/passion for his district.

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**APPROVE MINUTES OF DECEMBER 5, 2006**

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, **RESOLVED**, the minutes of December 5, 2006, approved as submitted.

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**COUNCIL MEMBER REPORTS AND COMMENTS:**

**COUNCILMEMBER DAGES:** (1) City Hall Christmas Tree and commendation to staff on the successful tree lighting ceremony/program; (2) need to leave at 10:30 a.m. this date to attend funeral; and (3) upon question, City Attorney Sanchez confirmed the Convention & Visitors Bureau (CVB) meetings were subject to the Brown Act, with Councilmember Dages requesting staff provide the written information that was sent to the CVB in 1999 so advising them.

**COUNCILMEMBER CALHOUN:** (1) Request for status on cleaning of the round street concrete areas near the stadium, with City Manager Souza responding; (2) concern with red light camera infrastructure still in place and request staff address that issue, with Mr. Souza advising staff was looking into whether the City can use the infrastructure for street lighting sign boards; and (3) intent to bring forth item eliminating the Council President Analyst position for Council consideration and action.

**COUNCILMEMBER WESTERLUND:** (1) Request staff schedule on the agenda a report on the CVB issue upon completion of the investigation, with City Manager Souza responding; and (2) need to schedule evaluations of City Council officers in January.

COUNCILMEMBER BOYAJIAN: (1) Thank you to President Duncan for his work and professionalism this past year as Council President; (2) need and support for retaining the Council President Analyst position; and (3) thank you to Council for the plaque presentation.

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**APPROVE AGENDA:**

(10:00 A.M. #1) CONTINUED HEARING RELATING TO AN INCREASE TO THE CURRENT CITYWIDE TRAFFIC SIGNAL IMPACT FEE (Request continuance to January 23, 2007)

Continued as requested.

(10:00 A.M. #2) CONTINUED HEARING RELATING TO THE FINDING OF CONFORMITY WITH THE 2025 GENERAL PLAN MEIR NO. 10130, AND INTRODUCTION OF A BILL ESTABLISHING NEW CITYWIDE AND QUADRANT-BASED MAJOR STREET IMPACT FEES

1. RESOLUTION - EXPRESSING THE CITY'S INTENT TO ADOPT A CITY-WIDE IMPACT FEE FOR LOCAL REGIONALLY SIGNIFICANT MAJOR STREETS AND AN IMPACT FEE BASED ON QUADRANTS FOR LOCAL MAJOR STREETS TO IMPLEMENT THE GOALS, OBJECTIVES AND POLICIES OF THE 2025 GENERAL PLAN

(Request continuance to January 23, 2007)

Continued as requested.

(1-C) APPROVE A LEASE AGREEMENT WITH RAQUEL PALACIOS dba AJUA BAIL BONDS FOR 1237 VAN NESS, A COMMERCIAL PORTION OF THE VAN NESS AND MERCED GARAGE FACILITY

Laid over to January 9 or 23, 2007.

(1-Q) RESOLUTION NO. 2006 - DECLARING THE RESULTS OF THE GENERAL ELECTION HELD WITHIN THE CITY OF FRESNO ON NOVEMBER 7, 2006

City Clerk Klisch noted Councilmember-elect Xiong's name was misspelled in the resolution and apologized and the resolution was so corrected.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the **AGENDA** hereby approved, as amended, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Westerlund, Duncan
Noes	:	None
Absent	:	Perea, Sterling

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**ADOPT CONSENT CALENDAR:**

Barbara Hunt, 2475 S. Walnut, spoke to Item **1-B** and the need for the Police Department to be in control of a regional facility; and to other agenda items relating to low income housing, street locations/directional designations, and funds for public works.

Councilmember Calhoun pulled Items **1-B** and **1-N**, Councilmember Westerlund pulled Items **1-P** and **1-R**, Councilmember Boyajian pulled Item **1-J**, and President Duncan pulled Item **1-H** from the Consent Calendar for separate discussion/action at 2:00 p.m.

(1-A) AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO A ONE-YEAR AGREEMENT WITH VELOCITY SPORTS PERFORMANCE FOR THE PURPOSE OF CONTINUING A HEALTH FITNESS PROGRAM FOR THE POLICE DEPARTMENT

(1-D) APPROVE FIRST AMENDMENT TO THE MEDICAL EXAMINATIONS AND DRUG TESTING SERVICES PROVIDER AGREEMENT WITH ST. AGNES OCCUPATIONAL HEALTH CENTER, AND AUTHORIZE THE PERSONNEL SERVICES DIRECTOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

(1-E) APPROVE A HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM AGREEMENT IN THE AMOUNT OF \$1,200,000 TO AMCAL SANDSTONE FUND LP FOR CONSTRUCTION OF A 69-UNIT AFFORDABLE MULTI-FAMILY DEVELOPMENT, SUBJECT TO PRIOR APPROVAL BY THE CITY ATTORNEY

(1-F) **RESOLUTION NO. 2006-544** - INTENT TO ANNEX FINAL TRACT NO. 5461 TO CFD NO. 2, ANNEXATION NO. 132, AND AUTHORIZE THE LEVY OF SPECIAL TAXES AND SETTING THE PUBLIC HEARING FOR JANUARY 23, 2007

(1-G) **RESOLUTION NO. 2006-545** - 49<sup>TH</sup> AMENDMENT TO THE AAR RE-BUDGETING \$1,689,800 AND REALLOCATING \$1,206,000 IN EXISTING APPROPRIATIONS IN VARIOUS OPERATING AND CAPITAL PROJECTS IN THE PUBLIC WORKS DEPARTMENT TO PROVIDE FOR THE COMPLETION OF PROJECTS PREVIOUSLY APPROVED BY COUNCIL

(1-I) APPROVE AN AGREEMENT WITH HARRIS CONSTRUCTION IN THE AMOUNT OF \$264,275 FOR MANAGEMENT AND CONSTRUCTION SERVICES FOR THE CONSTRUCTION OF THE DICKEY YOUTH DEVELOPMENT CENTER, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

(1-K) APPROVE A THREE-YEAR LEASE AGREEMENT WITH THREE ADDITIONAL YEARS OPTION FOR THE USE OF PROPERTY AT 1343 E. BARSTOW (WESLEY UNITED METHODIST CHURCH) BY THE PARKS, RECREATION AND COMMUNITY SERVICES DEPARTMENT TO PROVIDE RECREATION AND COMMUNITY SERVICES TO THE CITIZENS OF FRESNO

(1-L) **RESOLUTION NO. 2006-546** - APPROVING THE FINAL MAP OF TRACT NO. 5669 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, NORTH SIDE OF E. HARVEY BETWEEN N. PEACH AND N. VILLA AVENUES

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR AND PUBLIC UTILITIES DIRECTOR TO EXECUTE THE NECESSARY DOCUMENTS

(1-M) APPROVE THE PURCHASE OF ONE VACANT PARCEL IN THE LOWELL NEIGHBORHOOD WITH \$75,000 IN HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM FUNDS TO CONSTRUCT AN AFFORDABLE INFILL SINGLE-FAMILY HOUSE

(1-O) APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC., IN THE AMOUNT OF \$268,805 FOR PREPARATION OF AN UPDATE TO THE RESIDENTIAL METER PROGRAM/SYSTEM EVALUATION STUDY AND A COMPREHENSIVE WATER RATE STUDY CONVERTING THE CURRENT FLAT RATE TO A VOLUMETRIC RATE

(1-Q) **RESOLUTION NO. 2006-547** - DECLARING THE RESULTS OF THE GENERAL ELECTION HELD WITHIN THE CITY OF FRESNO ON NOVEMBER 7, 2006

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Westerlund, Duncan
Noes	:	None
Absent	:	Perea, Sterling

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**(9:00 A.M. #2) PUBLIC COMMENT PERIOD:**

**(A) SCHEDULED COMMUNICATION** - APPEARANCE BY LOUIS MARQUEZ TO PROVIDE RECOMMENDATIONS FOR IMPROVEMENTS ON TULARE STREET

Not present when called.

**(B) UNSCHEDULED COMMUNICATION**

Barbara Hunt, 2475 S. Walnut, expressed concerns relative to City funds being spent on annexations and the sphere of influence, and to funding for low and moderate housing.

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**(9:00 A.M. #1) PRESENTATION BY THE HISTORIC PRESERVATION COMMISSION (HPC) OF THE FY 2006 “STATE OF HISTORIC PRESERVATION ANNUAL REPORT”**

**1. PRESENTATION OF THE 2006 ANNUAL HISTORIC PRESERVATION AWARDS**

Historic Preservation Project Manager Hattersley-Drayton gave a PowerPoint presentation on the 2006 Annual Historic Preservation Awards, and along with City Manager Souza and Planning & Development Director Yovino presented certificates to the award winners, and HPC Chair Kevin Enns-Rempel reviewed the “State of Historic Preservation Annual Report” **(2 - 0)** as submitted to Council.

Ms. Hattersley-Drayton, Mr. Yovino and Mr. Souza responded to questions/comments/concerns of Councilmember Calhoun relative to the new award category of neighborhood infill, concern with the status of the Craycroft Home, the \$100,000 historical building survey and if information was being fed into the system, and the HPC vacancy and why no recommendations have come forth to Council. A motion and second was made to accept the report. Councilmember Boyajian commended the award winners for their work and commitment to their neighborhoods and elaborated.

On motion of Councilmember Calhoun, seconded by President Duncan, duly carried, RESOLVED, the “State of Historic Preservation Annual Report” hereby accepted, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Westerlund, Duncan
Noes	:	None
Absent	:	Perea, Sterling

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**(9:00 A.M. #3) PRESENTATION BY BART BOHN, COUNTY ADMINISTRATIVE OFFICER, TO DISCUSS A PROPOSED INCREASE OF THE COUNTY OF FRESNO’S PUBLIC FACILITIES IMPACT FEES**

County Administrative Officer Bohn and Public Works/Planning Director Weaver presented the issue and reviewed a report conducted by MuniFinancial, and clarified the County was soliciting feedback from the City on the draft report and requested comments be submitted before the end of January so they may be shared with the Planning Commission and Board of Supervisors.

Discussion ensued with Mr. Bohn, Mr. Weaver and County Librarian Bosch responding to questions and/or comments of Councilmember Westerlund, President Duncan and Councilmember Boyajian relative to whether the impact fees will be included on everything built in the city and in other cities, the cities’ ratification procedure, what the County’s position would be if some cities do not want to impose the fees, the downtown library initiative, Measure B’s influence on the calculation of impact fees, lack of fees for roads, the unused County corporate yard at Perrin & Somerville and if any consideration has been given to selling some County assets, how the different fees for different categories were arrived at, if there was any concerted effort to partner with some cities to mitigate expenses, if fees were being assessed for fire protection, who prepared the future projections, and the City’s current struggle with fees and why the County did not give consideration to road fees. The County officials were thanked for their presentation and there was no further discussion.

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**(9:30 A.M.) PRESENTATION BY THE FRESNO COUNTY COUNCIL OF GOVERNMENTS (COG) ON THE REGIONAL BLUEPRINT PROCESS**

Barbara Goodwin of COG gave the presentation which included what the Valley Blueprint was, why it was needed, and what the Blueprint Planning Process would do. President Duncan spoke briefly to the importance of, and need for, good planning, and thanked Ms. Goodwin for her presentation. Councilmember Calhoun noted while he lived in the Chicago area the Chicago Tribune came up with the moniker “Chicagoland” with the idea being to sweep up all the surrounding cities/communities, and requested COG help to ensure we do not become “East Bayland”.

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**(9:55 A.M. #1) HEARING TO CONSIDER CHANGING THE RATE AND METHOD OF APPORTIONING THE SPECIAL TAX AND ESTABLISHING A NEW MAXIMUM SPECIAL TAX FOR ANNEXATION NO. 128, FINAL TRACT NO. 5287, CFD NO. 2**

**1. RESOLUTION NO. 2006-548 - CHANGING THE RATE AND METHOD OF APPORTIONING THE SPECIAL TAX AND ESTABLISHING A NEW MAXIMUM SPECIAL TAX**

**2. RESOLUTION NO. 2006-549 - CALLING A SPECIAL MAILED-BALLOT ELECTION**

**3. RESOLUTION NO. 2006-550 - DECLARING ELECTION RESULTS**

**4. BILL NO. B-173 - ORDINANCE NO. 2006-172 - AMENDING ORD. 2006-113 AND LEVYING A NEW SPECIAL TAX FOR PROPERTY TAX YEAR 2006-2007 AND FUTURE TAX YEARS**

President Duncan announced the time had arrived to consider the issue, opened the hearing, and upon his question Assistant Public Works Director Kirn stated the staff report as submitted was complete, the ballots had been received and the matter was ready for Council action, and the 9:55 a.m. #2 item was related to this matter and requested it be acted upon immediately following .

Barbara Hunt, 22475 S. Walnut, spoke to the issue and expressed concerns.

Upon call, no one else wished to be heard and President Duncan closed the hearing.

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution Nos. 2006-548, 2006-549 and 2006-550 hereby adopted, and the above entitled Bill No. B-173 adopted as Ordinance No. 2006-172, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Westerlund, Duncan
Noes	:	None
Absent	:	Perea, Sterling

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**(9:55 A.M. #2) RESOLUTION NO. 2006-551 - APPROVING THE FINAL MAP OF TRACT NO. 5287 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, SOUTHWEST CORNER OF S. MAPLE AND E. CHURCH AVENUES**

**1. AUTHORIZE THE PUBLIC WORKS AND PLANNING & DEVELOPMENT DIRECTORS TO EXECUTE THE NECESSARY DOCUMENTS**

**(3 - 0)** Upon question of President Duncan, Assistant Public Works Director Kirn advised the staff report as submitted was complete and there was no new information to add.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2006-551 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Westerlund, Duncan
Noes	:	None
Absent	:	Perea, Sterling

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**(10:15 A.M.) BILL NO. B-174 - ADDING SECTION 8-135 TO THE FRESNO MUNICIPAL CODE RELATING TO PROTESTS AT FUNERALS**

President Duncan gave a brief overview of the issue, all as contained in the staff report as submitted, and commended the City Attorney on this ordinance stating it would survive any challenge, it would protect any funeral from protests, and it would preserve peoples' freedom of speech. A motion and second was made to introduce the Ordinance Bill.

Barbara Hunt and Charlie Waters spoke in support of the issue.

Councilmember Dages commended and thanked President Duncan for his trip to Iraq to deliver equipment and for all his work on this issue. Councilmember Calhoun stated he was not sure why this was before Council as there had been no demonstrations in Fresno and there was no eminent threat; commented on how this ordinance would send out the wrong message, on his service and being a proud Vietnam veteran, how a divided America has respected funerals, and how this ordinance would divide the community and potentially result in a lawsuit; and requested this matter be held in abeyance and see if funeral interference occurs, and made a motion to table the ordinance indefinitely. Upon call, the motion died for lack of a second.

Councilmember Westerlund stated he understood Councilmember Calhoun's sentiment but noted there have been demonstrations in the mid-west and back east and even in Bakersfield which he stated put the central valley on the protestor's radar, and stated this was a pro-active ordinance and a prudent thing to do. Councilmember Calhoun advised he would abstain as he would not support nor vote against the ordinance, stated Councilmember Westerlund raised a legitimate issue but added the issue of "something might happen" can always be raised, and stated he was troubled with taking action on something that was not eminent and was divisive and added many Vietnam veterans also did not see the purpose of this. President Duncan added at one point in time there was a threat of the protesting organization going to an Iraqi veteran's funeral and stated it was critical to approve this as this would be one less thing the many who have served their country would have to worry about.

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Bill No. B-174 introduced before the City Council and laid over, by the following vote:

Ayes	:	Boyajian, Dages, Westerlund, Duncan
Noes	:	None
Absent	:	Perea, Sterling
Abstain	:	Calhoun

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Councilmember Dages left the meeting at 10:39 a.m. to attend a funeral and returned for the afternoon session.

**(9:55 A.M. #3) HEARING ON CFD NO. 11, ANNEXATION NO. 11, TRACT NO. 5553**

**1. RESOLUTION NO. 2006-552 - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX**

**2. RESOLUTION NO. 2006-553 - CALLING A SPECIAL MAILED-BALLOT ELECTION FOR THE NEW SPECIAL TAX**

**3. RESOLUTION NO. 2006-554 - DECLARING ELECTION RESULTS**

**4. BILL NO. B-175 - ORDINANCE NO. 2006-173 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2006-2007 AND FUTURE TAX YEARS**

President Duncan announced the time had arrived to consider the issue, opened the hearing, and upon his question Assistant Public Works Director Kirm advised the staff report as submitted was complete and there was no new information to add.

Barbara Hunt, 2485 S. Walnut, spoke to the issue.

Upon call, no one else wished to be heard and President Duncan closed the hearing.

On motion of President Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution Nos. 2006-552, 2006-553 and 2006-554 hereby adopted, and the above entitled Bill No. B-175 adopted as Ordinance No. 2006-173, by the following vote:

Ayes	:	Boyajian, Calhoun, Westerlund, Duncan
Noes	:	None
Absent	:	Dages, Perea, Sterling

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The City Council recessed at 10:41 a.m. and convened in joint session with the Joint Powers Financing Authority.

**(10:30 A.M. #1) JOINT MEETING WITH THE JOINT POWERS FINANCING AUTHORITY (JPFA)**

**(A) AUTHORIZE THE SIGNING OF CHECKS AND VARIOUS INVESTMENT AND COMMERCIAL BANKING DOCUMENTS**

**1. JPFA RESOLUTION NO. 24 - DESIGNATING AND AUTHORIZING CERTAIN FINANCE OFFICERS TO SIGN CITY CHECKS AND VARIOUS INVESTMENT AND COMMERCIAL BANKING DOCUMENTS, AND PROVIDE VERBAL INSTRUCTION REQUIRED FOR THE PRUDENT FINANCIAL ADMINISTRATION AND SAFEKEEPING OF JPFA FUNDS**

Assistant City Controller Bradley gave a brief overview stating this was a housekeeping matter which would allow the new permanent Controller to have signatory power over the appropriate documents.

Barbara Hunt, 2475 S. Walnut, spoke in support.

Controller Rousseau and Ms. Bradley responded to questions of Member Boyajian relative to what exactly was at issue, what specific type of documents Finance officers could sign, and if checks and balances were in place for those allowed to sign.

On motion of Member Boyajian, seconded by Chair Autry, duly carried, RESOLVED, the above entitled JPFA Res. No. 24 hereby adopted, by the following vote:

Ayes	:	Boyajian, Duncan, Autry
Noes	:	None
Absent	:	None

**2. COUNCIL RESOLUTION - AUTHORIZING CERTAIN FINANCE OFFICERS OF THE CITY TO SIGN CITY CHECKS AND VARIOUS INVESTMENT AND COMMERCIAL BANKING DOCUMENTS, AND PROVIDE VERBAL INSTRUCTION REQUIRED FOR THE PRUDENT FINANCIAL ADMINISTRATION AND SAFEKEEPING OF CITY FUNDS**

Adopted after the following matter.

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The joint meeting was adjourned at 10:45 a.m. and the City Council reconvened in regular session.

**(10:00 A.M. #3) WORKSHOP RELATING TO THE FINDING OF CONFORMITY WITH THE 2025 GENERAL PLAN MEIR NO. 10130 AND BILL ESTABLISHING NEW CITYWIDE AND QUADRANT-BASED MAJOR STREET IMPACT FEES, AND PROVIDE DIRECTION TO STAFF**

Assistant City Manager Ruiz, Assistant Planning & Development Director Bergthold, and Assistant Public Works Director Kirn gave an overview of the issue and presented the workshop which included the framework for the major street impact fee establishment process, capital cost calculation methodology (“the Numerator”), demand calculation (average daily traffic - “the Denominator”), and mitigating the impact of the fees.

A lengthy presentation on the stakeholder’s position was made by representatives Don Pickett of Don Pickett Construction **(4 - 0)**, Attorney Jeff Reid, and Mike Prandini of the Building Industry Association (BIA).

Speaking to the issue and expressing various concerns were: Tom Walls, Director of Facilities at San Joaquin Gardens Retirement Community, who stated he was currently working on a development plan; Barbara Hunt, 2475 S. Walnut; and Sara Hedgpeth-Harris, League of Women Voters.

Extensive Council discussion ensued with Mr. Bergthold, Mr. Kirn, Mr. Reid and Mr. Ruiz responding to numerous questions and/or comments of Councilmembers Boyajian and Westerlund **(5 - 0)** and President Duncan. President Duncan stated this matter had gone on long enough and spoke to the need to take action, with City Attorney Sanchez and Chief Assistant City Attorney Hale advising of options, whereupon President Duncan directed staff schedule on the January 9<sup>th</sup> agenda a Resolution of Intention to establish the new impact fees.

Councilmember Calhoun expressed his concern with the issue and the process and elaborated, and stated this needed to be done right and questioned whether the direction just made to staff was appropriate and how adopting a Resolution of Intention was different from the action Council took last February, with Mr. Sanchez responding. Relative to comments made, City Manager Souza clarified this fee issue has been a priority of this Administration and explained, stated he did not feel it was the intent of anyone here to go out and invoke a fee with adverse consequences, and concurred this level of discussion should have occurred a year ago but stated things were now moving forward and he believed a solution was close. Councilmember Boyajian stated when adopting the general plan Council should have been told what the consequences were economically but that did not happen which was one reason he did not support it. There was no further discussion.

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**(10:30 A.M. #1 - A-2) COUNCIL RESOLUTION NO. 2006-555 - AUTHORIZING CERTAIN FINANCE OFFICERS OF THE CITY TO SIGN CITY CHECKS AND VARIOUS INVESTMENT AND COMMERCIAL BANKING DOCUMENTS, AND PROVIDE VERBAL INSTRUCTION REQUIRED FOR THE PRUDENT FINANCIAL ADMINISTRATION AND SAFEKEEPING OF CITY FUNDS**  
**(\*Continued from earlier)**

President Duncan clarified the JPFA Resolution was adopted earlier and this Council Resolution was overlooked.

On motion of Councilmember Boyajian, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2006-555 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Westerlund, Duncan  
Noes : None  
Absent : Dages, Perea, Sterling

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**(2-C) APPROVE APPOINTMENT OF COUNCILMEMBER WESTERLUND TO THE FRESNO COUNTY TRANSPORTATION AUTHORITY - PRESIDENT DUNCAN**

President Duncan advised his term on the Authority was over and made a motion to appoint Councilmember Westerlund stating he was the ideal candidate.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

On motion of President Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, Councilmember Westerlund appointed to the Fresno County Transportation Authority, by the following vote:

Ayes : Boyajian, Calhoun, Westerlund, Duncan  
Noes : None  
Absent : Dages, Perea, Sterling

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**LUNCH RECESS - 12:16 P.M. - 2:03 P.M.** All members were present.

**(2:00 P.M. #1) CONTESTED CONSENT CALENDAR:**

**(1-B) APPROVE AN AGREEMENT WITH SIM ARCHITECTS FOR ARCHITECTURAL SERVICES TO PREPARE A MASTER PLAN AND ENTITLEMENT APPLICATION FOR THE DEVELOPMENT OF THE FRESNO POLICE DEPARTMENT REGIONAL PUBLIC SAFETY/LAW ENFORCEMENT TRAINING FACILITY**

Councilmember Calhoun stated this matter was similar to Item 1-N in that there were a lot of moving pieces for the Police and Fire Departments and he was concerned with that and elaborated; stated Council needed to see the big picture financially, he did not know if things were being done in a priority fashion, and things should not be done piecemeal; and presented questions relative to what would be coming after this training facility and what would come after that, and if staff could present Council with a broad picture.

Assistant City Manager Ruiz stated staff would welcome the opportunity to present Council with the big picture either through a tray memo or a workshop, acknowledged there were several pieces to the puzzle which he added staff had been implementing and explained, and spoke to how the revenue stream created by the public safety and park impact fees has worked. Councilmember Calhoun made a motion to approve staff's recommendation "with a concern", noted a Forest City item was coming forth later this afternoon and they would be asking for a "jillion dollars" somewhere down the line, and further elaborated on the need for Council to see the big picture including what other projects are coming forth, priorities, costs, and what decisions Council will have to make. Councilmember Dages left the meeting briefly during Councilmember Calhoun's comments.

On motion of Councilmember Calhoun, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled agreement with SIM Architects hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Perea, Sterling, Westerlund, Duncan  
Noes : None  
Absent : Dages

**(1-H) APPROVE A CONTRACT WITH AMERICAN PAVING CO. IN THE AMOUNT OF \$3,329,000 FOR EXPANSION OF VICTORIA WEST PARK**

President Duncan clarified the reason he pulled this item had nothing to do with the need to expand the park, noted at the agenda conference last week a comment was made by the Parks Director about him that he was not supportive of what was being done in Parks because he disapproved of the proposed financing and stated he took great exception to that comment, stated his issue had to do with the reimbursement resolution approved last week to started the process of spending money on the parks plan before having any kind of financing mechanism reviewed or in place, noted the Controller expressed some concerns that the \$6.8 million in revenue projected was not proven and elaborated further on the financing issue, and requested Council not take any action on this matter this date and wait until a full discussion is held on whether to bond or pay cash and further explained. Councilmember Dages returned to the meeting at 2:16 p.m. at the start of President Duncan's comments.

PR&CS Director Cooper and Controller Rousseau responded to questions of Councilmember Sterling relative to how this project came forth and got to this point, original funding and leveraging, if the Finance Department has had any discussions with PR&CS on their concerns and on what this project will require financially, and if staff has considered the concerns expressed by the Controller. Assistant City Manager Ruiz clarified (1) this was a timely issue as a portion of this funding was from a grant that needed to be expended by March 2007, and (2) the Controller did articulate last week that it was important for staff to be prudent and conservative in estimates and added the reimbursement resolution was a conservative approach and this project was on that list. A motion and second was made to approve staff's recommendation.

Councilmember Westerlund stated Councilmember Calhoun and President Duncan expressed the concerns he felt strongly about and stated he could not support this at this time as Council needed to look at all the different ideas and whether or not to bond. Councilmember Boyajian spoke to the background of this project, to the funding, to how the grant funds were in jeopardy of being lost, and to his support for the project, and presented questions relative to whether the property had already been purchased, if this project was three years behind schedule **(6 - 0)**, and if certain steps needed to be taken before grant funds are lost, with Mr. Cooper responding

Upon question of President Duncan, Mr. Rousseau stated staff could report back in mid to late January with a thorough analysis on the option of paying cash or bonding for projects. President Duncan clarified this matter could be rescheduled for late January when an intelligent decision could be made on whether to go this route or pay cash and explained, added those who vote "yes" today will basically be voting for an IOU on a potential debt that may occur down the road and further elaborated, and urged Council to be cautious and take the time to get the full information and also the information requested by Councilmember Calhoun in the previous item. A motion and second was made to table the matter to January 30<sup>th</sup> at 3:00 p.m. Capital Projects Manager Krauter clarified the bid period days were ready to expire and it would be up to the contractor as to whether he would extend his costs or not, and Mr. Ruiz added by putting this off until January there was also a good chance of losing the \$600,000 grant.

A motion of President Duncan, seconded by Councilmember Westerlund, to table the matter to January 30, 2007, at 3:00 p.m. failed, by the following vote:

Ayes	:	Westerlund, Duncan
Noes	:	Boyajian, Calhoun, Dages, Perea, Sterling
Absent	:	None

Upon question of Councilmember Calhoun, Mr. Krauter confirmed the \$600,000 grant could be lost and the project may have to be rebid if action is delayed, whereupon Councilmember Calhoun stated he would support the matter although he understood the concerns expressed and added staff was hearing that this Council wanted information to be educated.

On motion of Councilmember Sterling, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled contract with American Paving Co. hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Perea, Sterling
Noes	:	Westerlund, Duncan
Absent	:	None

**(1-J) REJECT ALL BIDS SUBMITTED FOR STREET INFRASTRUCTURE IN NO NEIGHBORHOOD LEFT BEHIND NO. 62**

Upon question of Councilmember Boyajian, City Attorney Sanchez and Assistant Public Utilities Director Andersen advised staff reviewed whether the time and the bid itself would remain pending the appeal, stated the two lowest bidders agreed to extend their bids, advised Council of the three options available to them, and responded to questions relative to what the specifications required, if this would have to be rebid if not awarded to Seal Rite, and what the hearing officer's determination was.

On motion of Councilmember Boyajian, seconded by President Duncan, duly carried, RESOLVED, a minor irregularity declared, recommendation hereby made to award to Seal Rite, and staff to post this determination and bring the item back to Council for award, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Perea, Sterling, Duncan
Noes	:	Westerlund
Absent	:	None

**(1-N) RESOLUTION - DECLARING OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES FROM PROCEEDS OF INDEBTEDNESS FOR EXPENSES INCURRED RELATED TO FIRE DEPARTMENT CAPITAL PROJECTS AND EQUIPMENT**

Councilmember Calhoun stated he did not understand this matter very well and presented questions relative to what exactly was at issue, the projects involved/if this dealt with the two fire stations, if there was any pressing need to take action this date, and if action could be delayed until the Controller provides his report in January to get all the facts, with Controller Rousseau, Assistant City Manager Ruiz and Budget Manager Smith responding throughout.

On motion of Councilmember Calhoun, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Resolution tabled to January 30, 2007, in conjunction with the City Controller's analysis/workshop on the options of paying cash or bonding for major projects, by the following vote:

Ayes	:	Boyajian, Calhoun, Westerlund, Duncan
Noes	:	Dages, Perea, Sterling
Absent	:	None

**(1-P) APPROVE AN AGREEMENT FOR ECONOMIC DEVELOPMENT SERVICES WITH THE ECONOMIC DEVELOPMENT CORPORATION (EDC) SERVING FRESNO COUNTY IN AN AMOUNT NOT TO EXCEED \$198,000**

Interim Economic Development Director Johnson and EDC Director Geil responded to questions of Councilmember Westerlund relative to how the EDC faired with last year's contract, goals/performance/number of leads brought in, staff's position on the EDC's performance, the change in the EDC's leadership and what the new director's thoughts were, and request that the EDC provide quarterly communication/progress reports to Council. A motion and second was made to approve the agreement. Mr. Johnson, City Manager Souza and Mr. Geil responded to questions of Councilmember Boyajian relative to what the City got from the EDC in return for their \$160,000, number of contacts/leads/businesses acquired, how the 950 jobs occurred and what part the EDC played in those jobs, and if the EDC was a network to help businesses connect and expand in the city.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled agreement with the Economic Development Corporation hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes	:	None
Absent	:	None

**(1-R) APPROVE THE 2007 CITY COUNCIL MEETING SCHEDULE**

Councilmember Westerlund noted he just returned from active duty and had to miss two Council meetings which hurt him a lot, advised his military exercise occurs every year at the same time and requested the meeting schedule be changed to eliminate either the November 27<sup>th</sup> or December 4<sup>th</sup> meeting so he would have to miss only one, and also noted he and Acting President Perea would be out of town on February 13<sup>th</sup> and he wanted to have that meeting cancelled and made a motion to cancel the meetings of February 13<sup>th</sup> and December 4<sup>th</sup>. Upon question of Councilmember Sterling, City Manager Souza stated staff could support the cancellation of those two meetings and explained.

Councilmember Calhoun noted Council just raised salaries, which he pointed out he would not benefit from, on the basis of hard work and needed pay and now two meetings were being cancelled. President Duncan stated a majority of the Council members are at City Hall full-time and work a lot of hours, and added missing two meetings would not have much of an impact other than allowing members to continue to keep working and do the best job for their constituents.

On motion of Councilmember Westerlund, seconded by Councilmember Boyajian, duly carried, RESOLVED, the City Council meeting schedule for 2007 hereby approved, as amended, cancelling the meetings of February 13, 2007, and December 4, 2007, by the following vote:

Ayes	:	Boyajian, Calhoun, Sterling, Westerlund, Duncan
Noes	:	Dages, Perea
Absent	:	None

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**(10:30 A.M. #2)** HEARING ON REZONE APPLICATION NO. R-05-04 AND ENVIRONMENTAL FINDINGS FILED BY QUAD KNOPF ON BEHALF OF SUBDIVIDER DS VENTURES, LLC, AND PROPERTY OWNERS THOMAS J., DONALD B. AND MALISSA A. CARBERRY, EAST AND WEST SIDES OF THE N. POLK AVENUE ALIGNMENT BETWEEN W. BELMONT AND W. OLIVE AVENUES; AND DETACHMENT OF PROPERTY FROM THE KINGS RIVER CONSERVATION DISTRICT AND NORTH CENTRAL FIRE PROTECTION DISTRICT AND ANNEXATION TO THE CITY OF FRESNO

**1.** CONSIDER AND ADOPT A MITIGATED NEGATIVE DECLARATION FOR E.A. NO. R-05-04/T-5443/C-05-36, DATED OCTOBER 26, 2006, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

**2. BILL NO. B-176 - ORDINANCE NO. 2006-174** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM RR (COUNTY) TO R-1/UGM

- and -

**(10:45 A.M.)** HEARING ON REZONE APPLICATION NO. R-05-03 AND ENVIRONMENTAL FINDINGS, FILED BY QUAD KNOPF ON BEHALF OF SUBDIVIDER DS VENTURES, LLC, AND PROPERTY OWNERS THOMAS J., DONALD B., AND MALISSA A. CARBERRY, EAST AND WEST SIDES OF THE N. POLK AVENUE ALIGNMENT BETWEEN W. BELMONT AND W. OLIVE AVENUES; AND DETACHMENT OF PROPERTY FROM THE KINGS RIVER CONSERVATION DISTRICT AND NORTH CENTRAL FIRE PROTECTION DISTRICT AND ANNEXATION TO THE CITY OF FRESNO

**1.** CONSIDER AND ADOPT A MITIGATED NEGATIVE DECLARATION FOR E.A. NO. R-05-03/T-5444/C-05-35, DATED OCTOBER 26, 2006, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

**2. BILL NO. B-177 - ORDINANCE NO. 2006-175** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM RR (COUNTY) TO R-1.UGM

- and -

**(11:00 A.M.)** HEARING ON REZONE APPLICATION NO. R-05-54 AND ENVIRONMENTAL FINDINGS FILED BY QUAD KNOPF ON BEHALF OF SUBDIVIDER MCKINLEY IV VENTURES LLC, AND PROPERTY OWNER CHARLES H., PHYLLIS, AND CARY S. KUYKENDALL, SOUTH SIDE OF W. OLIVE EAST OF THE N. POLK AVENUE ALIGNMENT; AND DETACHMENT OF THE PROPERTY FROM THE KINGS RIVER CONSERVATION DISTRICT AND NORTH CENTRAL FIRE PROTECTION DISTRICT AND ANNEXATION TO THE CITY

**1.** CONSIDER AND ADOPT A MITIGATED NEGATIVE DECLARATION FOR E.A. NO. R-05-54/T-5554, DATED OCTOBER 26, 2006, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

**2. BILL NO. B-178 - ORDINANCE NO. 2006-176** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-A TO R-1

President Duncan announced the time had arrived to consider the above issues, opened the hearings, and upon his question Planner Brock advised the above three applications were related and the staff reports as submitted were complete and there was no new information to add.

Applicant representative Susan Gladding of Quad Knopf thanked Ms. Brock for all her work and assistance and added she was available to answer any questions.

Upon call, no one else wished to be heard and President Duncan closed the hearings.

Councilmember Sterling stated she was very proud of this project and wanted Council and the public to hear more about it, upon her request Ms. Gladding elaborated further on the project plans and to the infrastructure improvements that would be made, and responded to questions relative to whether the developer was working with the Parks & Recreation Department and if they would work together on equipment for the park **(7 - 0)**. A motion and second was made to approve staff's recommendation.

Councilmember Boyajian stated all projects in the area should have been looked at at the same time, he would not support this as he could not approve a mitigated negative declaration, he did not believe there would be no impacts, and an EIR should have been conducted to see all impacts and further elaborated.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled environmental finding for E.A. No. R-05-04/T-5443/C-05-38 hereby approved, and the above entitled Bill No. B-178 adopted as Ordinance No. 2006-176, by the following vote:

Ayes : Calhoun, Dages, Perea, Sterling, Westerlund, Duncan  
Noes : Boyajian  
Absent : None

On motion of Councilmember Sterling, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled environmental finding for E.A. No. R-05-03/T-5444/C-05-35 hereby approved, and the above entitled Bill No. B-177 adopted as Ordinance No. 2006-175, by the following vote:

Ayes : Calhoun, Dages, Perea, Sterling, Westerlund, Duncan  
Noes : Boyajian  
Absent : None

On motion of Councilmember Sterling, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled environmental finding for E.A. No. R-05-54/T-5554 hereby approved, and the above entitled Bill No. B-178 adopted as Ordinance No. 2006-176, by the following vote:

Ayes : Calhoun, Dages, Perea, Sterling, Westerlund, Duncan  
Noes : Boyajian  
Absent : None

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**(11:15 A.M. "A") REPORT BY STAFF AND ACTION BY COUNCIL REGARDING THE INTERAGENCY HOUSING TASK FORCE'S PROPOSAL TO PHASE IN OR DELAY IMPACT FEES FOR INFILL AND AFFORDABLE HOUSING**

Planning & Development Director Yovino reviewed the issue and the two fee concepts, all as contained in the staff report as submitted, and noted additional funding would be needed for the phase-in program and requested Council direction. Local homebuilder Gary Mason, a member of the Interagency Housing Task Force, explained his proposal for phasing-in impact fees on infill and affordable housing over a three year period, and to the other concept of deferring the fees to the first resale of the house.

Councilmember Calhoun stated he supported getting people into affordable housing but added Council needed to be careful on how that is done, stated he did not understand, nor could he support, giving a discount up front to someone only to pass it on to the next buyer, and stated he felt this proposal was ahead of the curve and there were too many other loose things floating around and elaborated.

Councilmember Sterling stated this was an important issue and she was always looking for ways to approach affordable housing, stressed there was a real problem here and if Council did not start taking the impact fee situation seriously the affordable housing market would come to a stop with the result being slumlords taking full reign of the market, elaborated further on problem of affordable housing and the homeless, and upon her question City Attorney Sanchez stated the Mitigation Fee Act was one legal procedure that would have to be met and explained, and advised the two options available to Council were: (1) deferring the impact fees for five years, which was allowable, and recommended a lien be placed on the property and explained, and (2) make findings deeming certain infill projects as not creating new impacts which would exempt them from impact fees. Councilmember Sterling made a motion to direct staff, along with the Interagency Housing Task Force and the 10x10 Committee, to report back with a legally defensible deferral impact fee program, which was seconded by Councilmember Boyajian and \*\*subsequently modified to direct staff to report back with all options.

Lengthy discussion continued. Councilmember Boyajian stated he was looking at a 3-year deferral program, not 5, and a deferral for the developer's sake so they are not hit with a number of fees at the same time, and questioned if this had gone a little awry. Mr. Mason responded stating he was hearing staff say the revenue would have to be made back up and there was no way to make it up, and spoke in support of the second option just offered by the City Attorney stating that was something he had been wanting for a long time. Mr. Sanchez further clarified issues relating to that option and to the possible deferral to the first sale. HCD Manager Sigala and Mr. Mason responded to questions/comments of Councilmember Dages relative to what price is considered affordable, what price Mr. Mason would sell a home for, amount that would be deferred on a \$225,000 home, concern with a homeowner having a \$6,600 balloon/deferred payment, how one can call this affordable when the home buyer's payment is only being deferred to a later date, if the lien would be imposed by the City, there currently being affordable housing programs in place with no taxpayer subsidies, and this being a bad financial deal all around and on the backs of the homebuyer. Acting President Perea stated he concurred with Councilmember Dages and could not support a deferral program for the same reasons he outlined, and stated he supported the #2 option made by the City Attorney and questioned if the motion included only a deferral program, with Councilmember Sterling stating her intent was for staff to look at all the options and \*\*amended her motion. Councilmember Westerlund stated the deferral did not make any sense but the exemption did for one home on a lot, and Councilmember Dages agreed the exemption option was worth further study and added he would like to see all options. Councilmember Calhoun questioned what the 10x10 Committee was doing, stated there were too many balls up in the air and he would not support the motion, and added this motion was just something thrown on the table and Council was doing an ad hoc here. President Duncan agreed and added the 10x10 Committee would be reporting to Council in January on their task to build 10,000 affordable homes and he preferred to wait and see what the committee brings forth, and stated deferral was a horrible way to go and further elaborated. Councilmember Sterling stated the 10x10 Committee would be presenting a partial report to the Mayor this coming Thursday and explained, and stated this was just another piece of the puzzle **(8 - 0)** and clarified the task force and committee were part of the direction.

On motion of Councilmember Sterling, seconded by Councilmember Boyajian, duly carried, RESOLVED, staff directed to report back with all options for a legally defensible infill/affordable housing impact fee program, by the following vote:

Ayes : Boyajian, Dages, Perea, Sterling, Westerlund  
Noes : Calhoun, Duncan  
Absent : None

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**(11:15 A.M. "B") WILLOW/JENSEN AFFORDABLE HOUSING AND POCKET/MINI PARK PROJECT**

**1. ADOPT A CEQA MITIGATED NEGATIVE DECLARATION FOR THE PROJECT; APPROVE THE PURCHASE OF TWO PARCELS AT WILLOW AND JENSEN; AND APPROVE NECESSARY AMENDMENTS TO THE 2007 ANNUAL ACTION PLAN RELATED TO THE PROPOSED AFFORDABLE HOUSING ACTIVITIES**

HCD Manager Sigala reviewed the issue, all as contained in the staff report as submitted. Councilmember Dages spoke in strong support stating this was one of the better projects he has seen in a long time and was the best use of property that looked like it would never be developed, and made a motion to approve staff's recommendation, which motion was seconded by Acting President Perea. Mr. Sigala responded briefly to questions of Councilmember Westerlund relative to the Self Help project and why the City was purchasing the property.

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, RESOLVED, the CEQA Mitigated Negative Declaration for the project hereby adopted; funding in the amount of \$1,068,000 in HOME Program funds and \$192,000 in PR&CS Department funds for the purchase of two parcels for development of affordable senior housing, two single family homes and one pocket/mini park authorized; the City Manager authorized to execute the Purchase and Sale Agreement and the Planning & Development and PR&CS Directors authorized to execute all other related documents and take all actions necessary to accept the conveyance and carry out the agreement; and the necessary amendments to the 2007 Annual Action Plan relative to the proposed housing activities hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan  
Noes : None  
Absent : None

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**(11:15 A.M. "C") RESOLUTION NO. 2006-556 - ADOPTING THE CEQA MITIGATED NEGATIVE DECLARATION FOR THE TRANSIT VILLAGE PROJECT, APPROVE ACQUISITION OF PROPERTY ON THE SOUTH SIDE OF KINGS CANYON ROAD BETWEEN WILLOW AND PEACH AVENUES FOR THE PROJECT, AND AUTHORIZE THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE ACQUISITION AGREEMENTS AND RELATED DOCUMENTS ON BEHALF OF THE CITY**

HCD Manager Sigala reviewed the issue, all as contained in the staff report as submitted. Councilmember Westerlund left the meeting briefly at 4:18 p.m. Councilmember Dages stated this was another great project and advised the property was the old Elks Lodge property, and made a motion to approve staff's recommendation. Assistant City Manager Rudd responded to questions of Councilmember Boyajian relative to the transit hub and who and how many people would use mass transit.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2006-556 hereby adopted, the \$275,000 HOME-funded acquisition of the property for a future housing and transit development project approved, and the Planning & Development Director authorized to execute the Agreement for Purchase and Sale of Real Property and other related documents pertaining to the acquisition transaction, subject to City Attorney review as to form, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Perea, Sterling, Duncan
Noes	:	None
Absent	:	Westerlund

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**(11:15 A.M. "D") APPROVE PROGRAM CHANGES TO THE STATE AND FEDERALLY FUNDED FIRST-TIME HOME BUYER PROGRAMS INCLUDING INCREASING THE LOAN AMOUNT TO A MAXIMUM OF \$75,000 AND ELIMINATING THE TARGET AREA DESIGNATION FROM THE FEDERALLY FUNDED PROGRAM**

HCD Manager Sigala reviewed the issue noting this matter was continued from last week, and spoke to how the target area elimination issue was addressed with the 10x10 Committee at the request of Councilmember Sterling. Councilmember Westerlund returned to the meeting at 4:21 p.m. during Mr. Sigala's presentation.

George Mason, Interagency Housing Task Force member, spoke in support of staff's recommendation.

Mr. Sigala responded briefly to questions of Councilmember Sterling relative to Proposition 46 funding, and Councilmember Sterling spoke further to her original concern with the elimination of the target area designation, to her need to present all the information to the 10x10 Committee as Chair of the Interagency Housing Task Force, and to the importance of not having restrictions on where people can live, and made a motion to approve staff's recommendation. Councilmembers Calhoun and Boyajian spoke briefly in support of eliminating the target area designation.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the maximum loan amount increased from \$50,000 to \$75,000, and the designated "target areas" eliminated from the federally funded Home Buyer Assistance Program, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes	:	None
Absent	:	None

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**(11:15 A.M. "E") APPROVE A POLICY FOR NO NEW INSTALLATIONS OF PAVEMENT UNDULATIONS (SPEED BUMPS) WITHIN THE CITY RIGHT-OF-WAY AND PROCEDURES FOR REMOVAL OF EXISTING PAVEMENT UNDULATIONS**

President Duncan noted this matter was on the agenda a couple of weeks ago with a thorough staff presentation at that time, and advised it was laid over so staff could meet with those Councilmembers who had questions/concerns.

Traffic Engineering Manager Jones advised he did meet with Council staff and clarified (1) it was not the goal and intent nor would staff start going out to remove the 580 speed bumps, (2) the proper procedure would be followed for those locations with safety issues, and (3) this policy was brought forth to be consistent with the RACM policy and well as to give staff clear direction on how to respond to residents.

John Traviski stated speed bumps were put in for a reason and stated his opposition to their removal, and spoke to his concerns with the policy.

Councilmember Calhoun expressed his support stating this policy would clarify existing policies and added any removal of speed bumps would be an issue and decision of the neighborhoods, and made a motion to approve staff's recommendation. Councilmember Dages stated he would never support this, stressed every speed bump installed in his district was wanted and elaborated on why they were installed, questioned what the definition of a "neighborhood" was (with Mr. Jones responding), and further expressed his concerns stating speed bumps were put in for a reason, if the policy passes with the ability to remove speed bumps the City was going to have a fight on their hands, this would prevent installations around schools, and this policy would be creating a hazard. Mr. Jones responded to questions of Councilmember Sterling and/or clarified issues relative to the procedure for speed bump removal/who can ask for removal, what can be done with new schools and if staff considered that issue, what exactly was being done here, and who would pay the cost for removal. President Duncan noted there were a lot of speed bumps in his district and commented on problems they cause, on the process that would need to be followed for their removal, to how speed bumps add to the air quality problem, and to how any issues/problems that may arise can be worked on and addressed.

On motion of Councilmember Calhoun, seconded by President Duncan, duly carried, RESOLVED, the Policy for no new installations of pavement undulations and the procedures for removal of existing pavement undulations hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Sterling, Westerlund, Duncan
Noes	:	Dages, Perea
Absent	:	None

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**(11:15 A.M. "F") RESOLUTION NO. 2006-557 - GRANTING AN EXTENSION OF THE NON-EXCLUSIVE CABLE FRANCHISE HELD BY COMCAST OF FRESNO, as amended extending the current agreement to January 2, 2008**

President Duncan recused himself from the proceedings due to a conflict of interest (stock holdings) and left the meeting at 4:52 p.m. Assistant City Manager Rudd reviewed the issue, all as contained in the staff report as submitted, and **(9 - 0)** advised of a change in that staff was recommending the agreement be extended to the date of January 2, 2008, instead of on a month to month basis.

Mr. Rudd responded to questions, comments and/or concerns of Councilmembers Calhoun, Boyajian and Westerlund relative to whether the money spent on the consultant was wasted, if the contract had terminated, the continuous postponements and concern with the amount of time and money spent on the issue, if Comcast was the only provider the City could talk with, the transitioning legislation, if the State is telling cities what is best for them, how much was paid to the Buske Group, if Comcast is paying monthly fees to the City, if negotiations were over, if negotiations could occur with someone else if this extension if not approved, if other entities could contract with the State resulting in more than one provider, how revenues would be split, and what will be occurring in the one year interim period.

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2006-557 approving an extension of the existing franchise agreement with Comcast hereby adopted, as amended, extending the agreement to January 2, 2008, and the City Manager authorized to execute the necessary documents, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund
Noes	:	None
Absent	:	None
Recused	:	Duncan

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President Duncan returned to the meeting at 5:09 p.m.

**(2:30 P.M.) RESOLUTION NO. 2006-558 - APPROVING THE CITY OF FRESNO'S CONSENT TO BANK'S WAIVER OF DEBT COVENANTS IN A CREDIT AGREEMENT BETWEEN THE BANK OF THE WEST AND GRANITE PARK KIDS FOUNDATION, A NON-PROFIT PUBLIC BENEFIT CORPORATION**

Assistant City Controller Bradley reviewed the issue as contained in the staff report as submitted and recommended approval.

Granite Park Operations Manager Milt Barbis responded to questions/comments of Councilmember Boyajian relative to whether the City's ex-Controller ever worked for Mr. Barbis/if she ever provided any consultation, this being an incredible project and when the major parts of it will start happening, what buildings/businesses will be going in, what type of theme park this project will be, if the project had the same ownership/partnerships, number of restaurants planned, and project completion date. Councilmember Dages noted he did not support guaranteeing the loan back in 2004 due to Granite Park's need for a co-signer and stated he would not support this today as the City was not in the banking/lending business.

Councilmember Westerlund made a motion to approve staff's recommendation (which was seconded by President Duncan), stated a decision was made in 2004 and this was a done deal, and spoke briefly to the need to approve the Resolution and go forward. Councilmember Calhoun stated he would support the motion due to the oversight committee and explained, and questioned what the committee will do and when it would be reporting back to Council with an update and recommendations, with Controller Rousseau responding. President Duncan stated he could easily support this and spoke to this development's potential and benefit to the area and the community, stated changing the economic situation in challenged areas took creativity and this deserved the Council's and the City's support, acknowledged there may be some high risk but added City governments can help in that whether it's this project or an affordable housing project somewhere else, and stated he looked forward to this project and thanked Mr. Barbis for bringing this forward.

On motion of Councilmember Westerlund, seconded by President Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2006-558 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Perea, Sterling, Westerlund, Duncan
Noes	:	Dages
Absent	:	None

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#### **(2:45 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

The City Council recessed at 5:28 p.m. and convened in joint session with the Redevelopment Agency.

#### **APPROVE AGENCY MINUTES OF NOVEMBER 28 AND DECEMBER 5, 2006**

On motion of Acting President Perea, seconded by President Duncan, duly carried, RESOLVED, the Agency minutes of November 28 and December 5, 2006, approved as submitted.

#### **(“E”) APPROVE AMENDMENT NO. 2 TO THE EXCLUSIVE NEGOTIATING AGREEMENT WITH FOREST CITY DEVELOPMENT, INC., FOR THE SOUTH STADIUM PROJECT AREA (AGENCY ACTION)**

Executive Director Murphey reviewed the issue as contained in the staff report as submitted and recommended approval.

Forest City representative Kevin Ratner, 949 S. Hope Street, Los Angeles, CA, thanked the RDA for this extension opportunity and stated since Proposition 90 did not pass there was now a window of time to proceed with the project, and added the entire Forest City team was excited about downtown Fresno and the possibilities of what the development will look like.

Councilmember Boyajian stated Forest City was a class act and Fresno was fortunate to have them, spoke briefly to their projects in other cities, thanked Forest City and wished them the best in bringing vitality back to downtown, and made a motion to approve staff's recommendation. Councilmember Dages stated for the record he supported Forest City and was doing this for Chair Sterling. Councilmember Calhoun stated he would not support this for the reasons he stated earlier in Items 1-B and 1-N in that he was not seeing the big picture and added this was one more big moving thing out there that will cost the City millions of dollars, acknowledged Forest City does quality work and he was pleased they were here but stated they should not have kicked this project to the side and should have continued to move forward during the Proposition 90 campaign, expressed concern that the project's direction changed and questioned who decided that, and stated more importantly he was very concerned about how this development will be paid for and the big picture not being shown and further elaborated.

City Manager Souza clarified the version that was being approved was the version delivered to Council yesterday and not the one that went out in Council's packets.

Councilmember Westerlund stated he appreciated Forest City continuing to work on this and noted Proposition 90 did not just slow down this project but slowed down everything and anything across the state that had any complexity to it and elaborated **(10 - 0)**, spoke to the aggressive schedule and need to move expeditiously forward, concurred with the need to see the big picture, and stated this development had the biggest opportunity to bring a metamorphosis to downtown and to an area that has not seen very much activity. President Duncan commented on the issue stating this project was not taking an unusual amount of time, there was an enormous amount of detail involved, he was impressed with Forest City's commitment to Fresno, their projects did not fail, and the benefit of this project to the area and to the community was unbelievable, and stated he was pleased and honored to support this and thanked Forest City. Chair Sterling concurred and spoke further to Forest City's commitment to Fresno even with Proposition 90 on the table.

On motion of Councilmember Boyajian, seconded by Councilmember Westerlund, duly carried, RESOLVED, Amendment No. 2 to the ENA with Forest City Development, Inc., for the South Stadium Project area hereby approved, subject to minor modifications approved by the Executive Director and approved as to form by the City Attorney's office, by the following vote:

Ayes : Boyajian, Dages, Duncan, Perea, Westerlund, Sterling  
Noes : Calhoun  
Absent : None

**(“A”) ACTIONS RELATING TO THE “O”/SANTA CLARA STREETS TEMPORARY PARKING LOT/PERIMETER LANDSCAPING PROJECT ADJACENT TO THE 5<sup>TH</sup> DISTRICT COURT OF APPEAL COURTHOUSE PROJECT**

- 1. AGENCY RESOLUTION NO. 1687 - AUTHORIZING CONSTRUCTION OF THE TEMPORARY PARKING LOT WITH PERIMETER LANDSCAPING**
- 2. AWARD A CONTRACT TO GARCIA PAVING COMPANY, INC., IN THE AMOUNT OF \$281,193.44 FOR THE PROJECT (AGENCY ACTION)**

Executive Director Murphey reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

On motion of Member Westerlund, seconded by Member Duncan, duly carried, RESOLVED, the above entitled Agency Resolution No. 1687 hereby adopted, and the contract awarded as outlined above, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Westerlund, Sterling  
Noes : None  
Absent : None

**(“B”) ACTIONS RELATING TO OLD ARMENIAN TOWN**

- 1. APPROVE THE FIRST AMENDMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT (DDA) WITH OLD ARMENIAN TOWN, LLC (JOINT ACTION)**
- 2. JOINT COUNCIL/AGENCY RESOLUTION NO. 2006-559 /1688 - APPROVING THE FIRST AMENDMENT TO THE DDA**

Executive Director Murphey reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

On motion of Councilmember Dages, seconded by President Duncan, duly carried, RESOLVED, the above entitled First Amendment to the DDA hereby approved, and the above entitled Joint Resolution No. 2006-559/1688 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Westerlund, Sterling  
Noes : None  
Absent : None

**(“C”) HEARING TO CONSIDER MATTERS RELATING TO THE CENTRAL CALIFORNIA REGIONAL MEDICAL CENTER PROJECT**

- 1. JOINT COUNCIL/AGENCY RES. NO. 2006-560/1689 - APPROVING AMENDMENT NO. 2 TO THE 1995 DEVELOPMENT AGREEMENT AND LAND SALE CONTRACT BETWEEN THE RDA AND COMMUNITY HOSPITALS OF CENTRAL CALIFORNIA, AND MAKING CERTAIN FINDINGS PURSUANT TO THE HEALTH & SAFETY CODE**
- 2. APPROVE A LICENSE AGREEMENT BETWEEN THE RDA AND COMMUNITY HOSPITALS OF CENTAL CALIFORNIA, FOR TEMPORARY SURFACE PARKING ON AGENCY-OWNED LAND WITHIN THE REGIONAL MEDICAL CENTER PROJECT BOUNDARIES (JOINT ACTION)**

City Attorney Sanchez and Councilmember Calhoun advised of conflicts in that their spouses work for Community Hospital and recused themselves and left the meeting at 5:56 p.m., with Councilmember Calhoun being absent for the remainder of the meeting.

Executive Director Murphey reviewed the issue as contained in the staff report as submitted, and a motion and second was made to approve staff's recommendation. Chair Sterling noted this project came to the Planning Commission back in 1991 while she was serving on the commission and spoke briefly in support stating it was a great project. Chief Assistant City Attorney Hale advised the joint bodies, after receiving and hearing all written and oral testimony, needed to make the finding that no substantial changes have occurred and include the finding in the motion.

On motion of President Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the finding hereby made that no substantial changes have occurred with respect to circumstances under which the MEIR was certified, the above entitled Joint Resolution No. 2006-560/1689 hereby adopted, and the above entitled License Agreement hereby approved, by the following vote:

Ayes	:	Boyajian, Dages, Duncan, Perea, Westerlund, Sterling
Noes	:	None
Absent	:	None
Recused	:	Calhoun

**(“D”) DIRECT STAFF TO NEGOTIATE A DISPOSITION AND DEVELOPMENT AGREEMENT (DDA) BETWEEN THE REDEVELOPMENT AGENCY AND KINGS CANYON DEVELOPMENT, LLC, FOR A POLICE SUBSTATION ON THE SOUTH SIDE OF KINGS CANYON ROAD BETWEEN MAPLE AND BACKER AVENUES (JOINT ACTION)**

Executive Director Murphey reviewed the issue, all as contained in the staff report as submitted, and recommended the joint bodies direct staff as outlined. Councilmember Dages spoke in support stating this was a great project and made a motion to approve.

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, RESOLVED, staff directed to negotiate and bring back to the Agency Board and City Council for approval a DDA, by the following vote:

Ayes	:	Boyajian, Dages, Duncan, Perea, Westerlund, Sterling
Noes	:	None
Absent	:	Calhoun

Chair Sterling commended Vice Chair Boyajian and thanked him for all he taught her and stated he would be missed.

The joint meeting was adjourned at 6:06 p.m. and the City Council reconvened in regular session.

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**(2-B) CONSIDER ESTABLISHING COUNCIL DISTRICT PLAN IMPLEMENTATION COMMITTEES - PRESIDENT DUNCAN**  
**1. BILL NO. B-179 - ADDING SECTION 12-611 TO THE FRESNO MUNICIPAL CODE ESTABLISHING COUNCIL DISTRICT PLAN IMPLEMENTATION COMMITTEES**

**2. RESOLUTION NO. 2006-561 - ADOPTING BY-LAWS FOR THE COUNCIL DISTRICT PLAN IMPLEMENTATION COMMITTEES**

Briefly reviewed by President Duncan who advised this matter was brought forth by unanimous Council direction, and clarified approval this date would initiate the process of reorganizing the plan implementation committees which would provide for quality feedback for each member as entitlements come forth. A motion and second was made to introduce the ordinance and adopt the resolution.

Upon question of Councilmember Westerlund, Deputy City Attorney Phelan stated Council members can set up their committees to allow for appointment of individuals residing within the Sphere of Influence or the county as well as within their Council district boundaries.

Councilmember Dages commended President Duncan on the issue and advised he would set up his committee to appoint individuals from within his Council district. President Duncan and Ms. Phelan responded to questions of Acting President Perea and Councilmember Sterling relative to what mechanism was in place for a committee to weigh in on a development that is across the street in another Council district, and if the terms of committee members would expire with the Councilmember's term. Councilmember Sterling spoke to the issue and expressed her support, and President Duncan commended Ms. Phelan on a job well done.

On motion of President Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Bill No. B-179 introduced before the City Council and laid over, and the above entitled Resolution No. 2006-561 hereby adopted, by the following vote:

Ayes : Boyajian, Dages, Perea, Sterling, Westerlund, Duncan  
Noes : None  
Absent : Calhoun

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**(2-A) DISCUSSION AND DIRECTION TO STAFF TO DRAFT AND ISSUE AN RFP SEEKING ALTERNATIVES TO BUILD A CITYWIDE WIRELESS NETWORK - ACTING PRESIDENT PEREA**

Assistant City Manager Rudd stated staff has been looking into the feasibility of issuing an RFP for a city-wide free wireless service and after hearing Clovis was going to issue an RFP advised he contacted Clovis who agreed to allow Fresno to be included in the RFP process and piggyback or join them on any proposal submitted; advised staff has also been looking into (1) the pros and cons associated with free wireless service, and (2) the technology, and elaborated on each; stated staff would continue to work with Clovis and once proposals come back staff would provide a report to Council; and responded to questions/comments of Acting President Perea relative to how long staff has been working on the Wi-Fi issue, what the findings were, time line on Clovis' RFP, what staff's plan will be if Clovis' proposals do not meet Fresno's criteria, and desire to cut down on the time factor. Acting President Perea made a motion to direct staff to issue an RFP 30 days after evaluating Clovis' RFPs if those RFPs do not work out for Fresno, and after brief discussion modified his motion, as recommended by Mr. Rudd, to direct staff, upon reviewing the city of Clovis' RFPs, to make a recommendation to Council to either accept one of the proposals or issue the city's own RFP for free or low cost Wi-Fi, which motion was seconded by Councilmember Dages.

Councilmember Westerlund stated he was inclined to lean towards Wi-Max due the technology that is continuing to evolve and explained. Relative to the motion, City Manager Souza stated the 30 day period should begin running when Fresno actually receives the RFPs from Clovis. President Duncan stated he had a lot of interest in this issue and conducted a lot of research, commended Mr. Rudd and Nicole Zieba for all the work they are doing and for asking the tough questions, stated this was not something to rush, as other cities were finding out, and this needed to be done right and explained, stated he also felt this was the wrong direction to take and added the direction that first needed to be addressed was getting computers into the homes of people, elaborated on the digital divide and to how low cost internet was currently available, and stated his preference was to let staff do their work and finish their job no matter how long it takes as this was too important and added staff would give an honest evaluation and at that point options could be discussed.

On motion of Acting President Perea, seconded by Councilmember Dages, duly carried, RESOLVED, staff directed, upon receiving and reviewing the city of Clovis' RFPs, to make a recommendation to Council to either accept one of Clovis' proposals or issue the city's own RFP for free or low cost Wi-Fi, by the following vote:

Ayes : Dages, Perea, Sterling, Westerlund  
Noes : Boyajian, Duncan  
Absent : Calhoun

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**ADJOURNMENT**

There being no further business to bring before the City Council, the hour of 6:30 p.m. having arrived and hearing no objections, President Duncan declared the meeting adjourned.

*Approved* on the \_\_\_\_9th\_\_\_\_ day of \_\_\_\_January\_\_\_\_, 2007.

\_\_\_\_\_/s/\_\_\_\_\_  
Jerry Duncan, Council President

ATTEST:\_\_\_\_\_/s/\_\_\_\_\_  
Yolanda Salazar, Assistant City Clerk